

REMARKS

Status of Claims

The Office Action mailed January 29, 2009 has been reviewed and the comments therein were carefully considered. Claims 1-3, 6-11, and 14-16 are pending in the application, and are currently rejected. By this amendment, Claims 1 and 9 are amended, and new claims 27-30 have been added.

Claim Rejections Under 35 U.S.C. § 112

Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant traverses this rejection.

The Office Action states that Claim 1 and 9 as previously amended contain subject matter which was not described in the specification. Applicant notes that the subject matter was from dependent Claims 25 and 26, that were added in a response to a previous office action. In the response, which was filed on October 30, 2007, Applicant indicated in the remarks section that newly added Claims 25 and 26 included subject matter that is incorporated by reference. Specifically, the present specification in paragraph 0015 incorporates by reference co-owned patent application 09/488,361, which is now U.S. Patent No. 6,421,067. U.S. Patent No. 6,421,067 includes support for the subject matter, inter alia, in Col. 11 lines 40-60 and Col. 15 lines 16-32.

In order to comply with the requirements of MPEP §608.01(p), Applicant has amended the present specification to include the subject matter from U.S. Patent No. 6,421,067 pertinent to the claim amendments. Applicant asserts that no new subject matter has been incorporated.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3, 6, 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elis et al. (U.S. Patent Publication Application No. 2005/0028208) in view of Ellis et al.

(U.S. Patent No. 6,774,926) in further view of Yoshida (U.S. Patent No. 5,936,611). Applicant traverses this rejection.

The Office Action states that Yoshida discloses that a remote control image on the display further provides an indication to the user each key's functionality when a user presses the key on the remote control (see Figures 7-9 and Column 6, Line 30 through Column 8, Line 29). Applicant notes that this is not what is recited by the claims (as further amended for clarity), and that Yoshida does not teach or suggest what is claimed.

Claim 1 and 9 recite “indicating which buttons on the web-enabled cellular phone **are appropriate for performing functions** for the EPG”. This is different from what Yoshida discloses. Yoshida discloses a user help function that will provide a function description of what a key does, See Col. 6 lines 30 through Col. 8 line 29. As also shown in Figs. 7 and 8, Yoshida describes providing instruction on the function of a specific key, as requested by a user. As shown in Fig. 8, when a user is in help mode, the user can press a key on a remote, and the help display will show which key was pushed, and describe the function of that key.

This is different from what is recited in the claims. In the present invention, keys that can be used to perform functions are indicated, either by illuminating those keys, or by providing information in the EPG (see new Claims 27-30 for further details). This is different from providing an interactive help feature for what function a specific button performs. In the present invention, if the user is using a cell phone as an input device, providing an indication of which cell phone buttons are appropriate for controlling the EPG is very helpful for avoiding confusion by a user about what buttons are available in the present situation. This is very different from the guide in Yoshida that simply tells what a specific button on a remote control does. Further, Yoshida does not teach or disclose utilizing a cell phone for input, where there may exist confusion about which buttons perform functions for the specific application of controlling an EPG; and therefore the teachings of Yoshida would not be helpful in addressing the situation the present invention addresses.

Accordingly, Yoshida does not teach or suggest this feature, and none of the other references make up for this deficiency. Applicant asserts that Claims 1 and 9, and all claims that depend upon them, are allowable.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elis et al. (U.S. Patent Publication Application No. 2005/0028208) in view of Ellis et al. (U.S. Patent No. 6,774,926) in further view of Yoshida (U.S. Patent No. 5,936,611) in further view of Cooper et al. (U.S. Patent No. 6,754,904). Also, Claims 8 and 16 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elis et al. (U.S. Patent Publication Application No. 2005/0028208) in view of Ellis et al. (U.S. Patent No. 6,774,926) in further view of Yoshida (U.S. Patent No. 5,936,611) in further view of Terakado et al. (U.S. Patent No. 6,246,441). Applicant traverses this rejection. These claims depend from allowable parent claims, and are therefore allowable.

Applicant has added new Claims 27-30. Applicant asserts that the subject matter of these claims is supported by the present specification.

Conclusion

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance. Applicant respectfully solicits notification of allowance. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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